

## **HOWARD COUNTY BOARD OF COMMISSIONERS' MEETING MAY 1, 2017**

The Howard County Board of Commissioners met in Regular Session on Monday, May 1, 2017, at 4:00 p.m. in Hearing Room 338 of the Howard County Administration Center. Those in attendance included President Paul Wyman, Vice President Tyler Moore, and Commissioner Brad Bray. Also in attendance were County Attorney Larry Murrell, Assistant County Attorney Alan Wilson, and Auditor Martha Lake.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Wyman. Commissioner Bray led in the Pledge of Allegiance and Vice President Moore offered a word of prayer.

### **IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the April 17, 2017, Regular Meeting, having been previously submitted and reviewed, were approved as submitted, on a motion made by Mr. Moore, seconded by Mr. Bray and carried.

### **IN THE MATTER OF DEPARTMENTAL REPORTS:**

#### **SHERIFF DEPARTMENT:**

1) Sheriff Rogers informed the Commissioners that today was the kick-off day for the new P-25 radio system. The old system was shut down. They have been handling adjustments as new subscribers are added and the vendor from Dallas, Texas, is on site accomplishing problem solving. It has been a trying day but Sheriff Rogers believes the new system will prove to be successful.

2) The 2017 Annual Jail Inspection is scheduled for this Thursday, May 4<sup>th</sup>.

#### **PLAN COMMISSION:**

Plan Commission Director Greg Sheline submitted Ordinance No. 2017-BCCO-16. This is Case 3-CZ-17, a request to re-zone property owned by Sandra Jackson and located at 6205 East County Road 100 North from AG(Agricultural) to PD-RR(Planned Unit Development-Rural Residential). The request covers five (5) lots and there was no remonstrance to this re-zoning request. A motion was made by Mr. Moore to approve Ordinance No. 2017-BCCO-16, re-zoning Case 3-CZ-17, five lots located at 6205 East County Road 100 North, from AG(Agricultural) to PD-RR(Planned Unit Development – Rural Residential). The motion was seconded by Mr. Bray and carried.

### **IN THE MATTER OF THE OPENING OF VEHICLE LEASE QUOTES:**

Project Manager Pam Isaac submitted the Vehicle Lease quotes and they were opened as follows:

Enterprise Fleet Leasing  
Acme Fleet Leasing  
Brad Howell Ford  
Button Dodge – did not submit a quote – only an e-mail response

A motion was made by Mr. Moore to take the quotes under advisement for further review. The motion was seconded by Mr. Bray and carried.

### **IN THE MATTER OF THE RESOLUTION FOR THE NEW LONDON WASTEWATER FINAL PLAN:**

Ms. Isaac submitted Resolution No. 2017-BCCR-08, a resolution setting a public hearing for the New London Wastewater Final Plan. She also submitted a letter authorizing Grant Coordinator Tina Mendenhall to conduct the Public Hearing and to transcribe the minutes. A motion was made by Mr. Moore to approve the Letter to the Indiana Office of Community and Rural Affairs, authorizing Grant Coordinator Tina Mendenhall to conduct the Public Hearing for New London's Wastewater Utility Master Plan, and to transcribe the minutes of the said Public Hearing. The motion was seconded by Mr. Bray and carried.

A motion was made by Mr. Moore, seconded by Mr. Bray, and carried to approve Resolution No. 2017-BCCR-08, and authorize the President to sign on behalf of the Board of Commissioners.

### **IN THE MATTER OF THE PROPOSALS FOR AN AUTOMATIC TIME KEEPING SYSTEM:**

At the April 17<sup>th</sup> meeting the Commissioners took quotes under advisement pertaining to an Automatic Time Keeping System, from Advanced Time Management and Rite Stuff Software (*please refer to page two, “In The Matter Of Proposals For Automatic Time Keeping Software” of the Regular Meeting minutes dated April 17, 2017*). Auditor Martha Lake gave a recommendation to accept the quote from Rite Stuff. The quote from Advanced Time Management was the lowest quote but was not responsive to the specifications. A motion was made by Mr. Moore to approve Resolution No. 2017-BCCR-09, a determination as basis for accepting a higher quote. “Having reviewed these Quotes, the Auditor advises that the Advance Time Management Quote is non-responsive to the Specifications in at least the following respects:

- Specification B: Unspecified “Additional Charges” shown on Pricing Schedule
- Specification C: No forms submitted with Quote for review and no showing that Vendor’s forms have been or will be approved by the State Board of Accounts
- Specification D: Early termination clause (III-B) of the proposed Customer Agreement is non-responsive because of II-B Exception; and no Municipal Clause included:

Accordingly, the Board hereby determines that the Quote submitted by Rite Stuff is the lowest responsible and responsive Quote; and hereby accepts said quote.” The motion was seconded by Mr. Bray and carried.

### **IN THE MATTER OF RESOLUTION NO. 2017-BCCR-10:**

Attorney Larry Murrell and Auditor Martha Lake submitted Resolution No. 2017-BCCR-10, a resolution of the Howard County Board of Commissioners for the exchange of property with the City of Kokomo pursuant to IC 36-1-11-8. On February 23, 2017 Howard County conducted a Commissioners’ Certificate sale. Twenty-two properties did not sell and the City of Kokomo, as part of the Blight Elimination and other programs, requested that the County assign the 22 certificates to the City. “On or before May 12, 2017, the Commissioners will assign Certificates to the properties listed on Exhibit A to the City of Kokomo for the purchase price of \$0.00.” A motion was made by Mr. Moore to approve Resolution No. 2017-BCCR-10, a resolution of the Howard County Board of Commissioners for exchange of property with the City of Kokomo pursuant to IC 36-1-11-8. The motion was seconded by Mr. Bray and carried.

### **IN THE MATTER OF CLAIMS AND REPORTS:**

Auditor Martha Lake submitted the following issues for the Commissioners’ information and approval:

1. **Salary Claims:** The Commissioners’ Salary, Hourly, and Overtime claims, effective May 5 and 12, 2017, in the amount of \$367,602.83 each, were approved as submitted on a motion made by Mr. Bray, seconded by Mr. Moore and carried.
2. **Operating Claims:** The Commissioners’ Operating Claims, payable today, in the amount of \$472,875.27, were approved as submitted on a motion made by Mr. Bray, seconded by Mr. Moore and carried.
3. **Annual Common School Funds Report:** Ms. Lake submitted the 2017 Annual Report of the Board of Commissioners on the condition of School Funds in Howard County for the year ending April 30, 2017, and asked that it be approved and signed. A motion was made by Mr. Bray to accept the report as submitted. The motion was seconded by Mr. Moore and carried.

### **IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

Attorney Larry Murrell submitted the following issues for the Commissioners’ information and approval:

1. **Resolution No. 2017-BCCR-11:** Mr. Murrell submitted Resolution No. 2017-BCCR-11, a resolution of the Howard County Board of Commissioners authorizing disposal of surplus equipment. The EMA has two (2) vintage trucks that are no longer used by the Agency (1983 water tank truck and a 1988 beverage truck). The combined estimated value of the trucks is \$2,500.00. Wiers International Trucks has offered to purchase both trucks for the sum of \$1,500.00 each. IC 5-22-22-6 authorized the Board to dispose of more than one (1) item having a collective value of less than \$5,000.00, at a private sale, without advertising. This resolution authorizes that sale. A motion was made by Mr. Moore, seconded by Mr. Bray

and carried to approve Resolution No. 2017-BCCR-11, a resolution authorizing disposal of surplus equipment.

2. **Ordinance No. 2017-BCCO-17:** With the assistance of Mr. George Myers, reporter for the Kokomo Tribune, the Indianapolis Star, and Ms. Beth Garrett at the City of Kokomo, Mr. Murrell learned of new legislation allowing communications facilities to place poles in Government rights-of-way without oversight or approval from the government entities. Entities can opt out of this law by establishing an Underground and Buried Utility District by May 1, 2017. This District, effective May 1, 2017, will prohibit persons, corporations and utilities from erecting or constructing any pole, overhead line, or associated overhead structure used or useful in supplying electric, communication or similar associated services, without first obtaining the written consent and approval of the Howard County Board of Commissioners. The City of Kokomo established their Underground and Buried Utility District last week. A motion was made by Mr. Moore to approve Ordinance No. 2017-BCCO-17, an ordinance to establish an Underground and Buried Utility District. The motion was seconded by Mr. Bray and carried.

#### **IN THE MATTER OF COMMISSIONER ISSUES:**

##### **COMMISSIONER MOORE:**

Commissioner Moore presided over a Township Appeal Hearing for Ms. Melissa Kingsilver, Center Township. The request was not for assistance, but to have the “Denied Assistance” removed from her file. Mr. Moore listened to testimony from both sides, and moved that the recommendation of the Hearing Officer be upheld. The motion was made by Mr. Bray and carried.

##### **COMMISSIONER WYMAN:**

At the September 6, 2016 Commissioner Meeting, Ordinance No. 2016-BCCO-33 was approved, allowing the Commissioners to remove their lay person appointee to the Community Corrections Advisory Board before the expiration of the appointee’s term. At the September 19, 2016 Mr. Brad Bagwell’s appointment to the Community Corrections Advisory Board was removed. According to Mr. Wyman, Mr. Bagwell was present at the January, 2017 meeting, and his name was removed as Chairman of the Advisory Board. Since that time Mr. Bagwell has penned a letter to the Kokomo Tribune, April 28, 2017, identifying himself as a member of the Community Corrections Advisory Board. Mr. Wyman is now asking that another letter be sent to Mr. Bagwell reiterating that Mr. Bagwell has been removed from the Community Corrections Advisory Board on authority of Ordinance No. 2016-BCCO-33 and of the amended correction to the by-laws of the Advisory Board reflecting the authority of the Howard County Board of Commissioners to remove appointees from the Advisory Board. Mr. Wyman also asks that he be authorized to sign the letter on behalf of the Board of Commissioners and that a copy be sent to Chairman Doug Tate. A motion was made by Mr. Moore, seconded by Mr. Bray and carried to approve the letter to Mr. Brad Bagwell as drafted and to authorize the President to sign on behalf of the Board of Commissioners.

*There being no further business to come before the Board of Commissioners at this time,  
the meeting was adjourned at 4:27 p.m. on a motion made by  
Mr. Bray, seconded by Mr. Moore and carried.*

#### **HOWARD COUNTY BOARD OF COMMISSIONERS:**

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PAUL G. WYMAN, PRESIDENT

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TYLER O. MOORE, VICE PRESIDENT

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ROBERT B. BRAY, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
Howard County Commissioner Meeting May 1, 2017